

Patronage Pedigree and Power

In Later Medieval England

Edited by Charles Ross

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Ruling Elites in the Reign of Henry VII

M.M. Condon,
Public Record Office,
London

This paper offers a discussion of the idea that Henry VII's reign witnessed a significant modification of the prevailing social structures of the later middle ages. Detailed further study is still required at the county and local level in order to understand properly all aspects of the interaction between governors and governed, and, thereby, the full complexities of this difficult and still largely obscure reign, but some suggestions can be advanced meanwhile.

Before the twentieth century, England was dominated by ruling elites, to a large extent divisible under the headings of court, country and church. Their personnel varied for political reasons and beyond the needs of natural renewal. Even more fundamentally, there was a response to changes within society itself and to relationships within the elites. In this respect, Henry VII's reign was not unique, but neither can it be satisfactorily explained in terms of earlier models or merely as a continuation of the Yorkist polity. After the initial two or three years of the reign, there was a remarkable stability within the ruling groups, with little of the faction characteristic of the reign of Edward IV, and, still more, of Henry VI's. The King's power was increasingly felt in the country generally, partly through the action of men dominant at the centre of power and acting under the King's direction. It became a power structure dominated, to a remarkable degree, by the King himself. This fact may have contributed to an absence of faction in the reign, except between those who belonged to the elites and those who did not, and except for the perpetual struggle for influence at local level which could still occasionally assume a

national importance, especially when concerned with the north of England.

The first problem is one of definition. An elite may be described as an exclusive body to which admission is desirable. Although not necessarily static in composition nor in the scope of its powers, it should be capable of regeneration, whether by election, imposition from without or by co-option. In a heavily structured society, elites existed at every level. In this paper they are seen through the King's eyes and are those with which the king himself was most concerned. This perspective results in two most important omissions from our study. The towns lie outside the trilogy of court, country and church and are ignored. Nor is more than passing consideration given to the power and status of the nobility at the local level, which, in turn, contributed to its standing in the body politic as a whole.

The third element in our trilogy is of least importance and easiest to define. Henry VII's bishops were not, in general, outstanding men. Baronial influence on episcopal appointments under Henry VI gave way to royal initiative under the Yorkist and first Tudor kings.² Lawyers became more typical than theologians upon the bench of bishops, and a seat thereon became more regularly a reward for administrative service.³ Dr. Knecht's discussion of this change, through an analysis of the composition of the bench at the beginning and end of each reign, is misleading in suggesting a static situation. Henry VII did not merely imitate the practice of Edward IV. There is a real shift in royal policy. This becomes apparent on analysing, not the appointments as they occurred at some arbitrary point in time, but the bishops themselves. Edward IV's preferments show, at least in his later years, a change from the policy of Henry VI, but the appointments of Henry VII show a more extreme change, whether by comparison with those of Edward IV or as compared with the wider trends of the later middle ages.⁴ Of the 16 bishops first appointed to English sees by Edward IV,⁵ eight (50%) were doctors learned in the law, and six (38%) were theologians. Of 27 similar appointments made by Henry VII, 16 were lawyers, mostly learned in the

civil law (57%), and only six (21%) were theologians. These latter were appointed only to minor and less wealthy sees, although some who became prominent in the work of the council could hope for translation at some later date. Most of Henry's theologians were, nevertheless, administrators, even if his policy was not wholly consistent. That Henry's transformation of the bench of bishops into a body predominantly curial in aspect and legal in training was a conscious act of policy is revealed by developments elsewhere.

A similar pattern is traceable in the royal household. Here again a greater degree of secularization occurs under Henry VII. The office of dean was often a route to a bishopric. Two of Edward's deans, both theologians, died in office before they could hope for episcopal preferment. In Henry VII's reign, Geoffrey Simeon died in office in 1508, but he had been prominent in the council's work as a court of equity, especially in the court of requests, where he sat as a president. William Atwater may have been a product of the occasional piety of Henry's later years, but he too continued in a conciliar role. The legal training of Henry's four other deans, in addition to their constant proximity to the King, may explain their conciliar role in attendance on the King's own person. Three of Henry's four almoners were theologians,⁶ but their status outside the household depended primarily on their abilities rather than on their office. It may not be altogether a coincidence that, in place of the able but abrasive Fox, two comparative nonentities (Henry Deane and William Warham), became archbishops of Canterbury in succession to Cardinal John Morton.⁷

Dr. Knecht suggests that in the long term this secularization of the bench may have enervated its religious leadership. Throughout Henry VII's reign, service to the state even to the detriment of the church was exacted as a conscious act of policy. William Smith, for example, petitioned in vain to be allowed to leave the Marches of Wales in order to pay some attention to his neglected see,⁸ and Richard Redman, bishop of Exeter, had to fine with the King for permission to reside in his diocese.⁹ The appointment of Italians to the sees of

Worcester and Bath in return for services at the papal curia was a logical extension of such an attitude.¹⁰ The church, of course, was not unused to rule by delegation. Many of her lesser dignitaries also were habitually non-resident.¹¹ Although the bishops, in the wider social context, remained part of the ruling elite of Henry VII's England, their office was a subordinate part of their national role. They shared influence with their junior colleagues, doctors and prebendaries of the church, active in the council of the King. Moreover, Henry VII showed towards the bishops as temporal lords that same ruthlessness as he displayed towards their secular counterparts. Even Fox paid £2,000 for a pardon.¹² Most bishops paid heavily for the restitution of their temporalities, even if a large element in the payment was a composition for the profits of the vacancy.¹³ Many suffered for the laxity of their prison keeping.¹⁴ All were subject after their deaths to Henry's revival of the practice of taking multures, following searches by the council amongst 'old presidentes' in the exchequer.¹⁵ Several bishops, as lords of a separate judicial system no less than other lords in their franchises, experienced royal interference in their courts and suffered charges of praemunire.¹⁶

Of all the ruling elites, the bench of bishops was perhaps the most malleable in terms of direct royal intervention. Mortality enabled Henry rapidly to stamp the mark of his own personality and personal choice upon its members. This, however, is not true of the second great elite dominating the medieval scene. Fortescue was not alone in underscoring the traditional claim of the nobility to dominance within the body politic when he gave them pre-eminence even over the King's great officers.¹⁷ The same point was made, for example, by the rebels led by Warbeck who complained of the lowly birth of the men who influenced the King and ruled the country to the exclusion of its traditional leadership.¹⁸ Admission to the nobility passed primarily by inheritance, over which Henry could exert little direct control. There might be occasional exceptions: for instance, the confirmation of the title of Welles to his uncle and of Devon to Edward Courtenay. Nevertheless, two of the most notable features regarding membership

of this elite under Henry VII are the absence of men of the King's own blood and the fact that Henry created so few peers. Henry was himself an only son. Thus, unlike the situation under Edward IV, there was no centre within the King's kindred for rival political tensions and no obvious focus for political discontent. For much of the reign he had no adult heir and Arthur died before he could achieve a recognizable political identity. The second son, Henry, was kept close about the household of his father.¹⁹ Of the King's uncles, Jasper, duke of Bedford, had a long record of loyalty to the Lancastrian cause. But his rewards, though great, removed him from the centre of the political stage, with commissions in Ireland and Wales. As Bedford left no heir of his own body, his lands and offices reverted to the crown and some of his servants, including his secretary, Thomas Lucas, King's solicitor from 1497, passed into the royal service. John, lord Welles, was always a minor if loyal figure; though he sat frequently both in council and on commissions in his native Lincolnshire.

Through his mother's third marriage, and more immediately through the circumstances of his own accession, Henry VII was linked with the Stanleys. Thomas Stanley became earl of Derby; William, his brother, became chamberlain of the King's household. Both eventually were confirmed in part of their Ricardian gains and were generously compensated for the loss of the remainder,²⁰ though William's possessions returned to the Crown through his forfeiture for treason in 1495. Thomas sat with some regularity in council, though he was as frequently away from court, preserving a powerful local influence. He was not included amongst the King's feoffees of 1499, when provision was made for the performance of the King's will.²¹ Henry's sense of obligation to the Stanleys, in so far as he felt any, did not outlast the earl's lifetime. Moreover, once the Stanleys' considerable local power was abused to the King's disparagement, Henry's reaction was swift, and the whole Stanley family was bound in recognizances for future good bearing.²² Both James, warden of Manchester and later bishop of Ely, and Edward were indicted for illegal retaining.

The indictment against Edward Stanley is annotated in the King's own hand, an indication of his personal interest.²³ The sole debt to the Stanleys acknowledged by Henry was undoubtedly their political service. Ultimately their place in the body politic was determined by their status in council.

The Queen's kin could not even claim the obligation of political service. The dowager Queen herself was either stripped of or relinquished her lands in 1487; they were then granted to the Queen.²⁴ Cecily, duchess of York, the Queen's grandmother, was no longer a political force, though to some extent she bought her security by her cultivation of the King's household and council by grants of offices on her estates.²⁵ Thomas, marquis of Dorset, paid the penalty for his vacillation in 1483-85. Although admitted of council he never recovered his standing, even in terms of membership of commissions of the peace. In 1492 he was bound in a series of obligations and feoffments which, if put into effect, could ultimately have brought about his disinherintance.²⁶ The one person whose influence was paramount was the King's own mother, Margaret Beaufort. She was granted extensive estates by her son and her standing within the locality was sufficient to attract litigation to her courts.²⁷ From her household a constant stream of people emerged to find employment in Henry's household, council and service. In addition, she had the oversight of several important wards, including Edward, duke of Buckingham. This absence of the King's kindred from the nobility removed an element which had been a constant force, sometimes cohesive and often disruptive, in political life throughout the fifteenth century.

The small number of peerage creations is equally important. Despite an actual decline in the numbers of the peerage, including the continuance in the Crown of the titles of York and Gloucester and the failure of the male line of no less than 18 peerage families during the course of his reign,²⁸ Henry VII created very few peers. As a deliberate act of policy this was in part a product of the relative strength of the King's position. Even Henry VIII felt compelled to add substantially to the peerage at a time of crisis in the 1530s. It was also a product of a

shift in the balance of power amongst the elites, from the use of the traditional noble councillors of the King, to councillors who held positions about the King only by the King's concurrence and whose authority was the delegated authority of the Crown and not derived from land or title. This was paralleled by a shift in the power balance at local level towards men in the second stratum of society, supported by interference from those of the King's councillors on the spot and active intervention by the central government. The weakness of this arrangement was that it ignored the many bonds which tied the nobility and gentry one to the other, through lordship, intermarriage and community of interest, although these in turn might be disrupted by royal intervention or regulation, especially at times of crisis, and certainly were curtailed as an act of conscious policy by Henry, particularly in his later years. Such curtailment was achieved by the use of enquiries, informations, prosecutions, bonds and forced enfeoffments. The same process of regulation, with a shift towards direct reliance on the gentry, is visible in Henry's policy towards retaining. If prosecutions themselves were erratic —exemplary rather than sustained, and only partially effective — Henry also attempted a system of control in the Crown's interest through licensed retaining. This was to be closely regulated by the council, to which detailed returns were to be made,²⁹ though the combination of penal legislation and royal licence seems to have caused some confusion in the shires at large,³⁰ and may be more significant in theory than in practice. Also, as Edward had done at the beginning of *his* reign, Henry could and did build up the power of men whom he trusted in areas of unrest. But the estates and franchises so granted were limited in extent. In only two cases, those of Robert Willoughby and Giles Daubeney, were they accompanied by titles of nobility.

Henry's policy is perhaps seen most clearly — though in no case carried to its logical conclusion, for circumstances and tradition proved too strong — in his treatment of the peripheral areas of his realm; in Ireland, where he was least successful,³¹ Wales and the north. In all three areas Henry's handling of power groupings shows some uncertainty, punctuated by a

more aggressive policy. In Wales the sole attempt at a radical interference with traditional elites was abortive. Reginald Bray, who briefly succeeded Arthur's lieutenant, Jasper, duke of Bedford, on the latter's death in 1495, was far too heavily committed at the centre of government to be spared for the governance of the principality. Moreover Bray, unlike Bedford, neither held land in the area himself nor was he given any such power base by the King.³² The final settlement was a compromise, which has its parallels in the Yorkist and Henrician settlements, and was successful enough for Henry VII's lifetime. Even after Arthur's death a King's council under William Smith, bishop of Lincoln, continued to be active in the more vital area of the Marches, leaving Wales itself in the hands of a local leadership, albeit one loosely tied to the Crown through the household and council. The functions of the council in the marches were primarily judicial.³³ Its membership consisted largely, though not entirely, of local gentry, many of whom were councillors also of the King.³⁴ These were supplemented by professional lawyers and administrators, who also assisted a London-based council in the administration of the Prince's lands.³⁵ A quarter of a century of dislocation had already disturbed traditional loyalties and structures and perhaps assisted an extension of royal control that was given formal expression in the indentures of the Marches.³⁶

Although the north had been similarly disturbed, the dislocation may have been less fundamental, permitting a return to traditional policies promulgated from a position of relative strength. From the early years of the reign, when first rebellion and then the threat of a new Scottish war, precipitated by a border quarrel, alike demanded the King's personal and immediate intervention, the north was an urgent problem.³⁷ Henry's first solution was the traditional one of harnessing the loyalty and influence of the most prominent local magnates. In the north-east this involved the restoration of a chastened earl of Northumberland.³⁸ Although the continuing need to maintain a military presence in the north may have helped to bolster traditional ruling structures, the earl's unexpected

death in 1489 forced a change of policy. The fifth earl was a minor who would never enjoy the influence held by his father. This fact he would bitterly resent, the more so in that Henry, recognising his potential capacity for mischief, tried to undermine the foundations of a power already eroded by minority and political miscalculation. Under the nominal authority of his second son, Henry now gave power to the earl of Surrey. Although Surrey's standing and ability commanded influence, he had no territorial power base in the north. His only mandate was the King's authority, continually renewed but never assured, whilst his own wings were clipped by piecemeal restoration of his estates, making him dependent upon the King's continuing favour.³⁹ It is unlikely that Surrey was the head of a King's council. More probably he governed with the assistance of his own servants and those of the King's council normally resident in the north. Within this partial power vacuum the King's authority was yet more directly asserted from 1494 by Richard Fox, keeper of the Privy Seal, and bishop of Durham. In these years Fox was prominent in negotiations with Scotland, a diplomatic activity which itself directly affected the balance of local forces. From 1499 a new element entered the picture — William Sever received a commission as surveyor of the King's prerogative, an office potentially prejudicial to the noble interest because of the sharp eye kept by Sever for the King's feudal and fiscal advantage.⁴⁰ In addition, a more determined effort was made to exploit the King's own position as a northern magnate by means of reforms in the duchy honours, though Henry's policy proved unrealistic save in purely administrative terms.⁴¹

By 1500 the achievement of a lasting truce with Scotland and, if less important, the majority of the earl of Northumberland made possible, and perhaps required, a change of approach. The earl of Surrey returned south to become, in 1501, treasurer of the Exchequer. In the last decade of the reign Henry's policy definitely moved towards a rejection, or at least a modification, of the authority of the traditional elites exercising power in the north. Although this change of policy did not survive either its author or his chosen instrument, it

was the forerunner of Henry VIII's council in the north. Thomas Savage, who became archbishop of York in 1501, had been dean of the chapel of the household and president of the council attendant on the King, in which his considerable authority was exercised in a mainly judicial capacity. He was now given a commission as president of the council in the north, with councillors named and appointed by the King. Significantly these did not at first include the earl of Northumberland,⁴² though he had been sworn of the King's council since 1498.⁴³

The establishment of an autonomous King's council in the north did not mean the total supplanting of the authority so exercised by a traditional elite. The council itself seems to have included some of the minor barons.⁴⁴ Savage, too, was a member of a prominent northern family, though its estates were in Lancashire rather than Yorkshire, and he was quite capable of advancing his own interests as well as the King's. It was a quarrel over rival jurisdictions, combined with Savage's dual exercise of authority in his own and the King's name, which brought both the earl of Northumberland and the archbishop before the King's council at Westminster under heavy obligations to keep the peace: a situation which in itself suggests both the aggression in, and the limitations of, Henry's conciliar policy.⁴⁵

The same may also be said of his policy in the west March. Again the military significance of the March suggested a reliance on the local nobility. Henry's policy rested on the exploitation of traditional rivalries and relied upon minor baronial power rather than the major peerage. Although his power cannot be compared with that of the Percies, the earl of Westmorland was again eclipsed. The third earl was a shadowy figure and not a councillor, whilst the long minority of his heir led to an exploitation still more brutal than that of the earl of Northumberland.⁴⁶ Whereas in the East March Henry continually divided authority amongst a number of nobles and gentry, in the West March he relied principally on lord Dacre, although Dacre's tenure of office was insecure and he, too, suffered fiscal and feudal harassment.⁴⁷ In the long term, the

constant renewal of the King's commission encouraged greater baronial influence and independence. This, however, seems not to have become apparent before Henry's death. The effectiveness of the King's council in London, combined with the ability and loyalty of Dacre himself, did at least promote royal authority in that area. But although unruly local gentry might be bound under heavy recognizances for their allegiance and good bearing, and might also occasionally be brought before the King himself, the very frequency with which such action was forced on the Crown, particularly on charges of retaining and riot, hints at an almost inevitable superficiality in any changes in the structure of power at a local level in the more remote areas of the realm.

In his policy towards the north, Henry attempted a redistribution in the balance of power, partly in favour of the lesser northern families, but also, and more fundamentally, by overlaying the traditional structure of power with the newer elite of the King's council. This he combined with a more direct application of the royal authority. In using local forces, Henry pursued a policy of fragmentation of interest, whether by dividing authority or by avoiding the continuous, if uncertain, tenure of office by one man.⁴⁸ The same process of dislocation in the Crown's interest underlay the *quo warranto* proceedings against several northern lords concerning their franchises,⁴⁹ and also the assertion of more direct royal control over the office of warden of the March itself.⁵⁰ This is further illustrated by the occasional difficulty which the earl of Northumberland experienced in exercising his good lordship, and by the way in which he, like many other lords, was unable fully to realize his mesne lordship in matters of feudal tenure. A charge of ravishment of ward involving the daughter of Sir John Hastings brought him into the Exchequer and Common Pleas, and he was finally to compound with the council learned for a fine which effectively clipped his wings for the rest of the reign.⁵¹

The process of recognizance, and the consequent disturbance of the feudal order was the most effective, and certainly the most interesting of the ways in which Henry attempted to

contain the independence of his nobility, although its political advantages were finite and eventually produced a dangerous reaction which was itself a measure of short-term success. Likewise, the example made of nobles who practised retaining and riot or, in exceptional cases, the feoffments made in the King's interest on noble lands, might tend to contain the use to which a noble might put his still vital authority. Ultimately this centralising royal influence would disrupt the relationship between elites, for it meant influence of the Crown in the locality in channels other than the dominant lord. In the short term there do seem to be changes in the position of the nobility under Henry VII even as against the reigns of Edward IV and Henry VIII. The absence of King's kin and Henry's parsimony in conferring titles of nobility meant that he would not be surrounded by nobles of his own choosing. This, combined with other factors (such as the strength of his position, his unconventional upbringing and his intensely personal rule) necessarily affected their position. In addition, there were long minorities in several peerage families, especially important in the crucial formative years of the reign; whilst second generation nobles rarely received the authority enjoyed by their fathers. Mention has already been made of the Stanleys and of the earl of Northumberland who, though sworn a councillor in 1498, was not even given the immediate entry to the council in the north which he considered his natural right.⁵² The contrast between the active political career of John, lord Audley, Richard III's treasurer, and the relative obscurity of his son, James, may be one reason behind the latter's rebellion in 1497. Robert, lord Broke, son of Henry's steward of the household, was not a councillor, even if, following a petition to Bray and a fine with the king, he succeeded to his father's Cornish offices. Like other nobles of his generation he, too, was bound to the King for livery of his lands and his father's pardon.⁵³ If George, third lord Abergavenny, was employed far more extensively in the King's service than his father had been, and was sworn a councillor in 1498, he also the more nearly experienced the King's displeasure.⁵⁴ The duke of Suffolk's heir succeeded

only as an earl, and with a diminished inheritance.⁵⁵ Successive earls of Kent saw their influence curtailed, earl Richard's lands were carved up amongst Henry and his councillors and he himself was placed in ignominious tutelage.⁵⁶ The duke of Buckingham had serious grievances which could not find utterance until the next reign.⁵⁷ One measure of this shifting balance of power lies in noble representation on commissions of the peace. The duke of Buckingham, for example, was not appointed to the Staffordshire commission until 1503, though he was on the Surrey commission from 1499, the year of his majority. Edward IV had been still more severe, excluding Buckingham's father from both counties. In this both Edward IV and Henry VII showed awareness of the importance of local rule. Richard III's more widespread commissions to Buckingham were no less a political act.⁵⁸ Nevertheless, there was a difference between the policies of the two Kings. Under Henry VII the peers enjoyed a less extensive mandate. Only Bedford was appointed to commissions throughout England.⁵⁹ But even this situation contains its own paradox, indicating how far the influence of the nobility was still necessary to Henry for the maintenance of peace at local level. Perhaps partly as compensation for a relative eclipse at the centre of government, peers are recorded in increasing numbers as participating in the work of the sessions in the latter half of the reign.⁶⁰

Henry did not exclude the nobility from the council and actively cultivated their presence at court. Yet few nobles could claim any real influence with him save for Oxford, Bedford, perhaps Derby and the small household-administrative group.⁶¹ Even these were subjected to the control exercised by Henry over the peerage in general. Thus Daubeney was heavily fined for illegal embezzlement at Calais, in which he was said to have taken pay for the ancient rather than the actual establishment of the town,⁶² and was also forced to make over his interest in his French pension to the King.⁶³ He was bound by obligations for payment of the fine at days, and by his will he assigned certain land to feoffees, the issues to be used for these payments. Yet this punishment

even Dudley thought over severe.⁶⁴ The novelty of Henry's policy lies in the extent to which he carried the use of such recognizances, rather than in the instrument itself; of this Professor Lander has made a preliminary study.⁶⁵ He suggests the increasing use of such bonds as a means of politically disabling the nobility: though any final analysis must await not only a more detailed investigation of the basis on which the bonds were given but also a study of the level of forfeiture and the Crown's success in enforcing fines and penalties. This last may well have borne most heavily on the nobility. The system itself was self-perpetuating, since the corollary to a forfeit bond was a further recognizance for the payment of a fine by instalments. At the same time, the very authority inherent in nobility might work in the Crown's interest since, given on behalf of lesser men, it might accord ill with honour to be in breach of the bond's condition.⁶⁶ Lander demonstrates, too, the penal severity of Henry's conditions for the reversal of attainder, calculating that in all at least four-fifths of noble families in England were under some form of restraint for at least part of the reign. By virtue of their wide estates the nobility also suffered, perhaps unduly, from Henry's commissions of concealments. The scale of these was such that for the year 1505-6 alone 93 returns survive showing alienations, minorities, idiocies and intrusions, including one of nearly 40 years before.⁶⁷ Seizure of land into the King's hand could mean loss of feudal incidents; whilst if a lord acted too precipitately in defence of his rights it meant process in the King's courts. The earl of Northumberland was not the only magnate to be prosecuted for ravishment of ward.⁶⁸ Henry VII himself had a very clear conception of his aims in pursuing such policies, though they may later have been obscured by the avarice for which chronicle tradition appears to be only too justified. Polydore Vergil echoes the words of a conversation between the King and the Spanish ambassador when he wrote that

The King wished as he said to keep all Englishmen obedient through fear, and he considered that whenever they gave him offence they were actuated by their great wealth . . . All of his

subjects who were men of substance when found guilty of whatever fault he harshly fined in order by a penalty which especially deprives of their fortunes not only the men themselves but even their descendants, to make the population less well able to undertake any upheavals and to discourage at the same time all offences.⁶⁹

In this atmosphere the earl of Kent's alleged comment that 'the Kynges grace undoyth no man' was surely a little disingenuous.⁷⁰

It is difficult to ascertain the place of the nobility in the channels of patronage: that is, in the route to the King's ear by which a petitioner might gain his desires. Evidence so far accumulated tends to point away from the nobility and towards the council and household. This may have become increasingly true with time, as the council learned and delegated committees of councillors assumed responsibility for certain matters of grace: particularly pardons and grants of wardship, which were reduced to a common denominator of a financial composition with the Crown.⁷¹ One symptom of this is surely the way in which councillors and household men amassed annuities and stewardships at the gift of nobles, bishops and religious houses. If Reginald Bray held annuities of, amongst others, the earls of Northumberland, Devon and Ormond, lord Dynham, lady Hastings and lord Audley, it was surely Bray who was the dominant partner.⁷² In terms of personal profit it was the councillor who achieved the greater rewards. Beyond the ready employment in the shire, beyond the enhanced personal status that led Dudley, for example, to use his title of King's councillor as proudly as any peerage,⁷³ beyond the position of influence and the receipt of offices and casualties in the King's gift that were so accessible to him, the councillor could use his position for personal aggrandizement: most notably in the land market, where he was exceptionally well placed to exploit political and legal disadvantage and economic misfortune.⁷⁴ Councillors were cultivated and their support enlisted through their employment as feoffees-to-uses.⁷⁵ A similar picture emerges from their employment as executors and supervisors of wills. Receivers' accounts

throughout England show the extent to which they were felt to command influence and thus merit annuities in cash or office. The wills of lord Lisle and his wife, who died after him, epitomise this relationship. Lisle desired Bray to be his 'good and especialle mediator' to Henry VII. To Lisle's wife Bray became 'my most single goode frende in this worlde'.⁷⁶

The nobility and episcopate readily present themselves as elites within society at large but are clearly no more than a part of the ruling elite within that process of governance with which this study is concerned. Within the shire, the framework of rule was provided by land and wealth, affinity and patronage, authority and office and by the compromise between self-interest and the maintenance of the King's peace in which royal patronage was but one, though the most dominant, regulating factor. There remain, then, three elites requiring consideration. One is the network of county officials, especially the sheriffs, justices of the peace and the special commissioners operating within the shire, where overall trends are more important than the ever-changing personnel of authority. The second is the King's household, a group to be reckoned with throughout the medieval period, although its use as a power base was constantly changing. The third elite, wherein the uniqueness of Henry's reign perhaps lies, is the council.

The first group is the least important in the context of this paper. Tenure of office as J.P. or sheriff was of limited duration. They were essentially executive officers rather than governors, and were subject to dominant local influences as well as being subservient to royal mandate. At the same time, though the development was over a period longer than the reign of Henry VII and not unique to it, the transfer of executive power did assist the encroachment of royal authority upon the rule of all other groups. There were, however, subtleties in this relationship; for lords joined with councillors, household men, local lawyers and their own retainers to form the upper stratum of county society.⁷⁷ Justices of the peace, sheriffs and the lesser figure of the escheator form a homogeneous group and a significant proportion of sheriffs and MPs

were drawn in each county from members of the bench.⁷⁸ This means that a relatively small, if expanding, section of county society dominated all the rest; the more so as in most counties the burden of the shire's work was borne by a portion only of the current members of the bench, of whom the gentry element were the most prominent.⁷⁹ Local gentry were being added to the bench in increasing numbers, accounting almost entirely for the expansion in the actual numbers of men appointed to commissions of the peace during the reign.⁸⁰ Despite this, and in contrast to the situation at the end of the century, there is little to indicate manipulation of the lists.⁸¹ Nor was there any need to afforce a commission which always contained a number of lords, bishops and lawyers who were members of the King's council. The gentry element included also a number of household men and councillors who might exercise an influence disproportionate to their numbers. This can be seen in indictments returned for Suffolk, where James Hobart sat more than any other JP and where the returns include an unusually large number of matters affecting the King's rights. Similarly, in Hereford sessions tended to approximate to a meeting of the Prince's council, differing from it only in the manner and matter of its jurisdiction; whilst in Surrey offenders could even be bound over specifically to await the next sitting of Bray and Dynham at quarter sessions.⁸² Moreover, the commission could always be overridden by a special commission of oyer and terminer, or strengthened by the unwonted presence of an unusually large number of peers and councillors already members of it. The growing importance of this elite is suggested by the increasing responsibilities devolved on it by statute. As the same men were frequently included in special commissions to assess subsidies and other taxes, they were exceptionally placed to affect the lives and prosperity of their fellows within the shire. A greater degree of interference is apparent in the office of sheriff. At times of crisis, responsibility passed to the King's council and household. No less than five councillors were appointed as sheriffs in 1485, besides others later to become councillors, and a high proportion of household men.⁸³ In

1497, in the aftermath of the Cornish Rebellion, the sheriffs originally chosen were replaced by household men in seven counties, comprising four shrievalties.⁸⁴ There was similar interference in at least five other years, despite the fact that a man was often named for sheriff for several years before finally being pricked.⁸⁵ The position of the sheriff within the shire is well enough known. Not only was he the direct representative of the King's authority. He was also open to influence within the shire, at elections, in empanelling jurors or in due process of law. As a figure crucial to a King to whom litigation by common law process was a principal instrument of authority, the sheriff was subjected to tight control. For many the burden of shrieval office carried heavy consequences in later years when their recognizances were deemed to be forfeit for transgressions real or alleged.⁸⁶ Others were the subject of specific prosecutions on penal statutes, whether for taking bribes, allowing prisoners to escape or otherwise failing in their duties.⁸⁷

The second group, the household, is more readily recognizable as an elite. Again, Henry VII's use of his household was not startlingly new. Even Henry VI had employed his household extensively in the process of government: though in his case in particular it must remain an open question how far the household governed the King and how far men desiring positions of influence could insinuate themselves about the King's person. In examining the household one of the problems is to ascertain how far men were absorbed into it as a way of harnessing their influence within the shire and how far they were delegated office and authority within the shire because of their position within the household. Of this duality of perspective the Crown itself was not unaware.⁸⁸ In 1485 at least the choice was very much a military one, influenced by the proven loyalty of Henry's companions in exile, of those who had participated in Buckingham's rebellion and of those who had supported Henry at Bosworth: together with a strong admixture of Stafford retainers and servants, the adherents of the King's mother.

In a recent paper to the Royal Historical Society, Dr.

Morgan has elaborated on the use made by Edward IV of his household.⁸⁹ The reign of Henry VII is not dissimilar. The comments of the Croyland chronicler⁹⁰ could be applied with equal justice to Henry VII who, for example, like Edward IV, granted such offices as the constables of castles generally, though not exclusively, to his household knights and esquires. Military expeditions were conducted largely by and through the household. But there are differences between the two reigns. The most noticeable is Henry's treatment of major household offices. These were left vacant for long periods at a time: a pattern from which only the chamberlainship was exempt and in which the cofferership grew immeasurably in stature.⁹¹ Another, more vital, difference is Henry's great extension of chamber finance, important because of the disturbing influence which it enabled the King to exert upon all ruling groups. Chamber finance meant more than an agency for the amassment of revenue. It was the hub of an administrative system. The concentration of cash and administration in the King's own hands removed a whole dimension from the political scene. It gave the King financial and, in consequence, political independence. As a tool of personal government, using books constantly perused by the King himself and including memoranda pertaining to political matters dictated by Henry and constantly brought to his attention, it provided the King with the means to supervise his policy closely and with which to execute it. Thus the offence of the earl of Northumberland was noted several months before action was begun in the courts; the possibility of raising an aid for the marriage of the King's daughter was considered two years before the parliament which compounded for it was summoned.⁹² Chamber finance, in conjunction with conciliar control, radically changed the channels of patronage for certain matters of grace, as the whole transaction was reduced to a financial one. This is not to suggest that the King's grace had ever been free. But the rational and extensive application of conciliar control in the King's interest did tend to curtail the special pleading associated with such petitions. The need to pay and outbid became a pressing necessity. John Shaa, for

example, promised 500 marks that Thomas Frowyk should be appointed chief justice of the Common Pleas 'as largely as he that last was gaff therefor'.⁹³ Equally revealing is a cancelled entry relating to the speakership of the parliament of 1497. Lord Daubeney bid the fee of the speaker that Sir Robert Sheffield should have the office. This is cancelled and above there is an interlineation of a bid by Bray for Thomas Englefield, who was indeed appointed, Thomas Lovell himself heading the delegation that preceded his 'election'.⁹⁴ Even prominent councillors felt the full impact of a system so closely controlled by the King. If Bray remained immune during his lifetime, his executors paid 5,000 marks for a pardon, suffered prosecution for alleged customs offences and even saw the provisions of Bray's will disturbed partly through the King's ruthless legalism in pursuit of his prerogative rights.⁹⁵

Finally, the council. How can this be considered an elite at all? Was it not merely an organ of government, albeit a policy-making one? Omnipotent under the King, its relationship with Henry, its membership and functions were the keystone of Henry VII's government. Few men had any real influence with him. He was a strong King who could manipulate, though never entirely supplant, even had he wished so to do, the authority of traditional elites in society, and in this he was master of his own policy. There is a remarkable unanimity amongst contemporary observers and chroniclers, including the hostile comments of rebels against his rule, in emphasising the King's independence and naming those few men who could command influence. Morton, Fox, Bray, Lovell, Daubeney and, latterly, Dudley, were the most frequently mentioned. Others added Savage and the various King's secretaries, notably King and Ruthal, whilst one astute observer noted the influence of Margaret Beaufort on her son.⁹⁶ Not all of these are encompassed within the elites already mentioned. The one factor common to them all was their membership of the King's council, and this indeed proves to be the basis of their power, both inside and outside government. It is true that they might be recategorized into

their social classes, but this would illustrate rather the wide base from which Henry drew his council than say anything positive about them. Still less does it explain their importance within the state. But what then are we to make of the comments of Ayala that by 1498 Henry had shaken off the influence of some part of the council and would have liked to reduce it still further.⁹⁷ Does this not flatly contradict the present argument or else render valueless the ambassador's testimony and political judgement on this and other occasions? In fact there is a grain of truth in such comments if they are set within a fundamentally different interpretation. Henry's relations with his council did undergo a real change. Power was a dynamic, not a static, force. Throughout the reign, Henry retained ultimate control, whether in matters as major as foreign policy, or as minor as the grant of an office. Even Empson did not escape this minute surveillance. His petition for the grant of a stewardship was amended in Henry VII's own hand from a grant for life to a grant during pleasure.⁹⁸ But power within the council did become concentrated in the hands of fewer men, mostly lawyers, underlining the peripheral status of those who sat only occasionally *in consiliarios* and diminishing also the influence of the nobility as a group, though lip-service continued to be paid to their preeminence and their presence was required on all occasions of importance. Even the less prominent councillors were, however, part of a vital chain of command and information binding the King and council to the country at large. For this statutory provision was both made and realised, if in breach as well as in observance, as in bringing riots and other misdemeanours to the attention of King and council,⁹⁹ in which the council itself maintained an active interest. Although conclusions are at present tentative, there are some pointers to support Cameron's suggested modification of accepted views of the council's jurisdiction in criminal and allied actions, though it was with the council learned rather than the council in star chamber that the initiative lay. The council did use common law process, which had the incidental advantage of making the matter of record and allowing common law process

to run against those accessories in whom the Crown was less interested. But the council itself might draw up or amend indictments, issue the commission by which they were found and even on occasion attend at sessions. Process might subsequently follow both before the council and at common law, and if the final end was a composition with the council for the discharge of both processes, composition and the pardon procedure were almost the only available sanctions.¹⁰⁰

The basic composition of Henry VII's council was much the same as in the Yorkist period, with which there was some continuity of personnel.¹⁰¹ No less than 35 of Henry's councillors had been councillors also of Edward IV, continuity being equally apparent in all strata of the council. But there were also subtle changes in the composition of the council over the course of the reign, as the *iuris periti* became increasingly prominent. Even if total figures from the reign of Henry VII and Edward IV are compared, the numerical importance of both the peerage and the ecclesiastical groups shows a decline as against the rise of the legal element. This included not only the serjeants at law, who became increasingly important, but also such men as Thomas Lovell, Edmund Dudley, who by his own choice preferred conciliar employment to a legal career, and Richard Empson, attorney general of the Duchy and recorder of Coventry.¹⁰²

The fall in the number of secular lords was to some extent outside Henry's control. During the 1490s a number of peers achieved both their majority and a place on the council, before death had removed some of the older generation. But this decade was also the period when Henry's rule approximated most nearly to that of his Yorkist predecessors. The traumatic events of 1497 and what can only be described as his own increasing avarice, however motivated, turned his mind more sharply to repression, affecting both the use which he made of his council and the membership of it, and also his attitude to the most 'able' group in society, the peers. At all periods their presence was necessary at moments of solemnity, as meetings of 1499 and 1504 illustrate.¹⁰³ But there was a rationalization of the conciliar body, underlining the importance of those few

peers prominent in the councils of the King; primarily the household and administrative group, to the exclusion of those merely the King's 'natural' councillors. Yet even the evidence of the presence lists surviving as the *Liber Intrationum*, showing a proportional attendance of the peers which varies from 25% to 36%, rising on occasion to 57%, may be misleading. Caesar's lists, however, suggest what was surely the normal situation. On the working council rather than the plenary session the balance was weighted far more heavily towards the legal element and such assiduous councillors as Sir John Risely.¹⁰⁴ And until the face of the council was radically changed in the last decade it is again the group who combined household office with a place on the council who were the most prominent — a group which included Guildford, Lovell, Poynings, Daubeney and Bray himself.

The importance of the council lies in its intimate association with the King in the business of government, and the King himself was usually present at its meetings. But its business was not restricted to the range of matters which preface the late sixteenth-century extracts of its *acta*, comprehensive though this summary seems in its inclusion of much judicial and executive action touching all social classes.¹⁰⁵ From the mid-1490s certain councillors, of whom the chief was Reginald Bray, acted in the presence of the King as a court of audit for both lands and revenue. This committee of council was later to become a conciliar court of audit under Robert Southwell and Roger Laybourne. A second court, no less the King's council though it generally sat, from 1500 at least, without the King's great officers and met under the presidency of the dean of the chapel of the household, developed (as the court of requests) a jurisdiction in equity parallel to that of the star chamber. There were similar conciliar committees leasing lands and granting offices in Exchequer patronage, or collecting fines of distraint of knighthood or organising the collection of arrears of the benevolence and thus investigating local prosperity and influence. Most significant of all was the council learned in the law, again acting with the full authority of the King's council though meeting in the duchy chamber under the presidency of

the chancellor of the duchy and comprised almost entirely of lawyers. It provided a third conciliar court of equity and, more particularly, supervised matters connected with the King's prerogative, whether the grant of wardships, the compounding for intrusions or the finding of them, the punishment of abuse or negligence by the King's officers, compounding with offenders for pardons, investigating treasons and perjuries and other abuses with an energy which made its presence widely felt and its members feared and hated.¹⁰⁶

Henry VII turned naturally to a conciliar solution for every administrative problem. This resulted in a conciliar omnicompetence which, with the growing importance of only a small part of the council, meant that councillors formed the only elite which could dominate all the rest. This could have some unique manifestations, whether in terms of the rewards to councillors themselves, their prominence in the land market, or in the system of informers and promoters who bypassed the usual channels and exerted an influence beyond their status, bringing defaulting officers, nobles, clergy, gentry, merchants and poor men to book before the King's council or subjecting them to a combination of prosecution in the King's Bench or Common Pleas and appearance before the council for the more rapid determination of process. Even the rapid expansion of conciliar justice during the course of the reign enhanced its influence, though it was an expansion due as much to pressure from litigants as to a conscious act of policy. Star chamber cases themselves are almost entirely pleadings between party and party, in which questions of title predominate, rather than criminal actions.¹⁰⁷ Even so, the King might on occasion intervene, stopping the action between lord Fitzwalter and John Doget, for example, and taking the case into his own hands.¹⁰⁸ This expansion of litigation had several side effects. One was through the council's use of arbitration, which thus involved in its processes those same classes who provided the JPs and sheriffs, though the council often retained the ultimate decision in its own hands. A second was the further extension

of the system of recognizances, which were usually taken not only for appearance but also for good abearing and often for allegiance from parties suing or brought before it.¹⁰⁹ These were not necessarily cancelled, and could be forfeit for breach of the condition. Even some recognizances given for appearance were later deemed to be forfeit, and suit followed in Common Pleas as on a plea of debt.¹¹⁰ Such actions may, however, have had on occasion a political motive, for defendants include men of the stature of the lords Clifford and Dacre.¹¹¹ The council itself was of sufficient status and authority to try and condemn the powerful offender, whether in disputes between party and party or for matters involving breach of the King's peace. Thus, for example, the duke of Suffolk was ordered to stay process at common law and not meddle in lands in dispute;¹¹² the lords Dudley and Grey of Powis, having been warned concerning the misdemeanours of their servants, were subsequently committed to the Fleet for an affray;¹¹³ lord Hastings was heavily bound for his appearance and to keep the peace.¹¹⁴ But against the determined offender even the council might have little effective sanction.¹¹⁵

The final link in this chain is the council learned, which achieved a separate institutional existence by at least 1499, and perhaps by 1498. In the context of this present study it is less important for its membership, though this was small and included some of the King's most powerful councillors who, by their membership of it, commanded still greater influence in society at large, than for its activities on the King's behalf. These have already been summarized. The council's preoccupation was with the King's causes, fiscal and feudal, and the prerogative rights of his kingship, in the broadest sense of the word. The council learned interested itself also in the maintenance of law and order, and enjoyed a jurisdiction in contempt committed in other conciliar courts, besides by-passing, interfering with and anticipating action in the common law courts. Through its pre-emptive interception of returned inquisitions, too, it could assert a manipulative influence in the King's interest significant in a society in which authority was

so often grounded on personal ties and landed estate. It became increasingly prominent in the administration and enforcement of that system of recognizances which are a hallmark of Henry VII's policy of control. These, the various special commissions, and, to take a crude but easily calculated measure, the great increase in the number of pardons granted 'of special grace'¹¹⁶ are all yardsticks to measure a general policy which affected an increasing number of the King's subjects. Moreover, the council, or specified members of it, were given absolute discretion over the issue of certain special commissions and other matters passing under the great seal. This delegation, unusual in Henry, was possible only because of the very close association of the council learned with the King. It was a hegemony which, combined with its use of legal process and recognizance, fed by a system of information and enquiry, and governed by astute and searching legal minds and a steady tenacity of purpose, enabled it so to dominate the whole domestic scene in the last decade of the reign. It was the King himself, and his manifestation in the corporate body of conciliar justice, who was the prime dislocating factor in the relationship between elites.

All this draws together under one head, the very personal rule of Henry VII as king. This itself is the key to the relationship of elites one to another and to society at large. Bacon has a story of how, to the great rejoicing of the whole court, Henry's pet monkey tore up the notebook in which the King had recorded the characters and demeanours of those about him.¹¹⁷ This trivial incident, whether or not it actually occurred, encapsulates both the essence and the fragility of Henry's rule. It perhaps suggests, too, a certain superficiality of achievement despite all the auguries of change: an impermanence, a fragility caused in part by the tensions which Henry VII himself created in binding and dividing the ruling elites themselves.

Notes

1. For encouragement generously given and criticism offered during the writing of this paper I am particularly indebted to the editor, Professor C.D. Ross; to Dr. M.A. Hicks, Dr. C. Rawcliffe, Miss E.A. Danbury, and Mr. N.E. Evans
2. R.J. Knecht, 'The episcopate and the Wars of the Roses', *Univ. of Birmingham Hist. Journal*, vi (1957-8), 108-31.
3. The curial cleric was not, of course, an unfamiliar figure on the medieval stage. But set within the bounds of an exceptional reign, that of Henry VI, and an exceptional period of change, the Reformation, and in a context in which the balance between lay and clerical involvement in government and administration had tipped overwhelmingly in favour of the former, this marked secularization of the clergy becomes worth recording.
4. On the latter point, see T.H. Aston, 'Oxford's medieval alumni', *Past and Present*, lxxiv (1977), 3-40, esp. pp. 27-30. Henry VII's choice of bishops has in itself helped to weight Aston's figures.
5. Welsh sees have been omitted here because many Welsh bishops were too obscure to be included in Emden's register of graduates. Initial appointments only are considered, because Henry VII made unprecedented use of the device of translation — Fox, for example, held no less than four different sees in succession.
6. These figures are based on A.B. Emden, *A Biographical Register of the University of Oxford to A.D. 1500* (3 vols., Oxford, 1957-9); *ib.*, *A Biographical Register of the University of Cambridge* (Cambridge, 1963).
7. Dean and Warham were both experienced curialists, but neither was of the stature of either Morton or Fox. For an excellent unpublished study of Warham, see M. Kelly, 'Canterbury jurisdiction and influence during the episcopate of William Warham, 1502-32' (Cambridge Ph. D. thesis, 1963).
8. Westminster Abbey Muniments (WAM), 16038; noticed by M. Bowker, *The Secular Clergy of the Diocese of Lincoln* (Cambridge, 1968), p. 17.
9. PRO, E 101/415/3, f. 287: a licence for three quarters of a year paying £100 yearly.
10. Knecht, *loc. cit.*, p. 130; B. Behrens, 'The origins of the English resident ambassador in Rome', *EHR*, xlix (1934), 640-56.
11. Cf. the correspondence and licences for absence recorded in the Act Books of the Dean and Chapter of Wells, *HMC Report on the Mss. of the Dean and Chapter of Wells* (2 vols., HMSO 1907-14), vol. ii, especially pp. 150-2.
12. PRO, E 36/214, p. 447; pardon enrolled *CPR, 1494-1509*, p. 366. Likewise Audley (1,000 marks); Dudley included this in his list of the King's more excessive demands: BL Lansd. Ms. 127, f. 60; 'The petition of Edmund Dudley', ed. C.J. Harrison, *EHR*, lxxxvii (1972), 88, 93.
13. That the fine for restitution was a composition is clear from the frequency with which prospective bishops had previously been given custody of the temporalities, or, after preferment, were granted the issues of the vacancy: *CPR, 1485-94*, *CPR, 1494-1509*, *passim*; cf. PRO, E 159/273, *Brevia baronibus*, Hil. rot. 7-7d., a pardon of account save for any escapes of clerks. Yet if Redman paid merely a full assessed rate of £2,000 p.a. after a vacancy lasting almost a year, James Stanley was assessed at nearly twice as much after a

- vacancy of 15 months: PRO, E 101/415/3, f.291; BL Lansd. Ms 127, f.31; *CPR*, 1494-1509, pp. 265, 514.
14. This was a genuine problem in which Henry maintained a sustained, though not necessarily disinterested concern. Both lay and clerical custodians came under heavy pressure. The penalties, initiated and enforced by the council but 'made sure in the lawe' and thus found by common law process were duly exacted (cf. PRO Req 2/12/151, a case of embezzlement of the fine by the messenger to whom it was entrusted). The fines themselves are too numerous to list, but are noted in both the king's bench and in the chamber books. See also R.B. Pugh, *Imprisonment in Medieval England* (Cambridge, 1970), pp. 218-54, especially pp. 236-40.
 15. PRO, E101/415/3f.283; also *ibid.*, ff. 285, 288. The first recorded mention was in 1497 E101/414/16, f.259.
 16. See now *Spelman's Reports*, ed. J.H. Baker (2 vols., Selden Soc., xciii-iv, 1977-8), vol. ii, pp. 64-8; M. Kelly, *loc cit.*, discusses the implications of certain actions. If prosecution was at the initiative of private parties, and if some were no more than cross suits in an accepted tradition of vexatious litigation, the penalties on the bishop and his officials were real enough, and those against the bishop of Norwich had the active encouragement of the King's attorney, a member of the commission of the peace; cf. PRO, KB9/438/48-54; KB9/442/111; KB9/445/26; DL5/4, ff.105v, 111v.
 17. J. Fortescue, *The Governance of England*, ed. C. Plummer (Oxford, 1855), pp. 150-1; noticed by J.R. Lander, *Crown and Nobility 1450-1509* (London, 1976), p. 13.
 18. *The Reign of Henry VII*, ed. A.F. Pollard (3 vols., London, 1913-14), vol. i, pp. 150-55.
 19. *Calendar of State Papers, Spain*, i, p. 329; BL, Add. Ms 28623 ff.11-12.
 20. For an assessment of the Stanleys' gains under Henry VII, see the unpublished study of B. Coward, 'The Stanley family c. 1385-1651' (Sheffield Ph.D., 1968), pt. iii, though he greatly overstates the extent of Henry's confirmation cf. *CPR*, 1485-94, pp. 230-1.
 21. *Rot. Parl.*, vi, 444-6.
 22. Coward, *loc. cit.*, pp. 163-186 discusses both the effects of the indictments for retaining and an incident involving the interruption by Stanley retainers of the reading of a royal proclamation. Cf. Dudley's assertion that the second earl was 'often tymes hardly intreated and to sore', *Dudley's petition*, p. 88, 93, 26n.; BL, Add. Ms. 21480 f.191.
 23. PRO, KB9/434/30. BL, Add. Ms. 59899 f.211v.
 24. See S.B. Chrimes, *Henry VII* (London, 1972), p. 76. Perhaps the sole point to be made is her total absence of political influence.
 25. *CPR* 1485-94, p. 189; *CPR* 1494-1509, pp. 56-7; WAM 12179 — though Daubeney, for example, held such office even before 1485.
 26. J.R. Lander, 'Bonds, coercion and fear' in *Crown and Nobility*, pp. 286-8. PRO, C255/8/5/3 graphically illustrates the extent to which others were potentially involved in Dorset's fate, being a record of the process of manucaption, not mentioned by Lander.
 27. *Calendar of State Papers, Spain*, i, 178. One suit concerning title was even specifically delegated by the King's council to that of the lady Margaret, though she was not the immediate lord: PRO, Req 2/4/246.

28. Calculated from *Complete Peerage*: 19 if Lincoln is included.
29. PRO, E 34/3: service to the King was to be exclusive. The long list of men retained with Thomas Lovell may be one such list, its size explained by his prominent conciliar status and its composition by his access to the Roos tenantry through his wardship of lord Roos, *HMC, Report on the Mss. of the Duke of Rutland* (4 vols., HMSO 1888-1905), vol. iv, pp. 559-66.
30. Cf. the indictments against several members of the King's household, though the retainers wore the King's badge of the red rose; or the indictments brought against the King's own mother which resulted in the enrolment of her licence in King's bench PRO, KB9/436/7, 13, 16; KB27/926, Trin. 20 Hen. VII, Rex rot. 3.
31. A. Conway, *Henry VII's Relations with Scotland and Ireland, 1485-98*, (Cambridge, 1932); *Select Cases in the Council of Henry VII*, ed. C.G. Bayne and W.H. Dunham (Selden Soc., lxxv, 1958), pp. 46-7.
32. Bray was Chamberlain of Chester, 1495-1500 (PRO, Ches 1/2/57) and steward of Monmouth and the duchy lands in Herefordshire (R. Somerville, *The Duchy of Lancaster* (London, 1953), pp. 636-7, 648). There is little evidence of Bray's active interest. In South Wales the vacuum was filled to a limited extent by Charles Somerset (W.R.B. Robinson, 'Early Tudor policy towards Wales: the acquisition of lands and offices in Wales by Charles Somerset, earl of Worcester', *Bull. Board of Celtic Studies*, xxi (1964), pp. 422-6.
33. T.B. Pugh, 'The Magnates, Knights and Gentry', p. 115, and R.A. Griffiths, 'Wales and the Marches', pp. 163-5, both in *Fifteenth-Century England, 1399-1509*, ed. S.B. Chrimes, C.D. Ross and R.A. Griffiths (Manchester, 1972).
34. The initial composition of the council may be deduced from the various oyer and terminer commissions, *CPR 1485-94*, pp. 434, 441, 488; PRO, Ches 1/2, offers evidence of its changing composition.
35. Cf. J.A. Guy, 'A conciliar court of Audit at work in the last months of reign of Henry VII', *B.I.H.R.*, xlix (1976), 289-95; PRO, E 315/263 where most, and perhaps all, of the entries relate to the Prince's lands; E 163/11/27.
36. T.B. Pugh, 'The indenture for the Marches between Henry VII and Edward Stafford, duke of Buckinham', *EHR*, lxxi (1956), 436-41. This had been preceded by an indenture with Rhys ap Thomas in 1490, and Charles Somerset was similarly bound concerning South Wales in 1496; PRO, E.175/5/18; C255/8/5/88; *CCR, 1485-1500*, 894.
37. Chrimes, *op. cit.*, p. 71; J.A. Guy, *The Cardinal's Court* (Hassocks, 1977), p. 19.
38. M.A. Hicks, 'Dynastic change and northern society: the career of the fourth earl of Northumberland', *Northern History*, xiv (1978), especially pp. 89-103.
39. J.R. Lander, 'Attainder and forfeiture, 1453-1509' (1961), reprinted in *Crown and Nobility*, pp. 146-7; PRO, E.40/14646. R. Virgoe, 'The Recovery of the Howards in East Anglia, 1485-1529', *Wealth and Power*, pp. 12-15, presents a more optimistic assessment.
40. WAM 12247, 16028, 16073. Although entries in the chamber books can rarely be dated precisely, Sever's appointment seems to have been made in the spring of 1499: PRO, E101/414/16, f. 288v.
41. Somerville, *Duchy of Lancaster*, pp. 265-74, 524, 541.
42. PRO, E163/9/27. The council's authority seems to have been restricted to Yorkshire, although Savage's position as archbishop may have blurred this limitation, and in 1504 he could term himself 'the Kings lieutenant and high

- commissioner withynne these the North parties of his realme', PRO, Req 2/3/347; Req 2/10/72; *York Civic Records*, ed. A. Raine (Yorks. Arch. Soc., Record Ser., 1939-53), iii, p. 5.
43. Bayne, *Select Cases*, p. 30.
 44. An inference drawn in part from the composition of the peace commissions, and also from indictment and plea roll evidence of justices participating at sessions. (Commissions, *CPR, 1494-1509*, pp. 666-9.)
 45. Bayne, *Select Cases*, pp. 41-4.
 46. Cf., for example, the conciliar discussion of the inquisitions made after the death of the third earl, BL Lansd. MS. 639, ff. 33-34v.
 47. Instances were listed by Dacre himself, PRO SP 1/1, ff. 71v-72; *CCR, 1500-9*, 543, records a recognizance without condition which was to hang at the king's pleasure.
 48. *Materials for a History of the Reign of Henry VII*, ed. W. Campbell (2 vols., Rolls Ser., 1873-7), vol. i, pp. 242-3; ii, p. 533; *Cal. Docs. Relating to Scotland, 1357-1509*, pp. 311, 314-5, 332-5, 337, 349-51; *CPR, 1485-94*, pp. 40, 213, 314; *CPR, 1494-1509*, pp. 200-2, 213, 379, 442.
 49. PRO, KB27/975, Pasch. 20 Henry VII, Rex rot. 11 (Dacre); KB27/980, Trin. 21. Hen. VII, Rex rot. 6; BL Lansd. Ms 127, f. 22v (Clifford).
 50. Cf. the convoluted terms of the bill for the Lord Conyers's patent for the wardenship of the East March, which terms him warden-general 'videlicet in partibus de la Est March' and on which Dudley has noted 'this bill is made for the lord Conyers for the Est marche oonly and not as deputie to my lord prince but Immediatly by the Kinges grace as the lord Darcy was', PRO, C82/325, 16 March.
 51. Initially recorded in the chamber books and subsequently annotated by Henry VII with a reference to Dudley; process followed before the council, in Common Pleas and the Exchequer, members of the council being present in court when judgement was given. The process ended with an appearance before the council learned and a composition with King and council for a pardon and the fine, secured by a feoffment on the earl's lands. A later reference suggests that the fine itself may have been augmented by a composition for offences involving retaining. PRO, DL5/4, ff. 20v, 32v, 83; CP40/974, Mich. 21 Hen. VII, rot. 419; E159/284, *Brevia Baronibus*, pasch. 2d; E36/214, ff. 479, 530; BL Add. Ms. 59899, f. 213.
 52. Above, pp. 109-10, 117-8; see also *Letters of Richard Fox, 1486-1527*, ed. P.S. and H.M. Allen (Oxford, 1928), pp. 43-4.
 53. WAM 16047, 9222/11; PRO, E101/415/3, f. 298; BL Add. Ms. 21480, ff. 88v, 89.
 54. Bayne, *Select Cases*, pp. xxix-xxx, 30; Lander, 'Bonds, coercion and fear', pp. 289-90. Lists of New Year gifts recorded in the chamber books tend to confirm his frequent presence about court. Yet he was also several times indicted of illegal retaining, accused of treasonable words, briefly imprisoned in the Tower and eventually pardoned but heavily fined; see also PRO, KB9/430/49-59; KB9/443/2-3; KB9/441/6; C237/58/6/1.
 55. Lander, 'Bonds, coercion and fear', p. 275; PRO, E101/414/6, f. 210v.
 56. Lander, *loc. cit.*, pp. 290-1; *CCR, 1500-9, passim*; PRO, SC12/18/53.
 57. Buckingham petitioned the council: this is to be the subject of a forthcoming article by Dr. Rawcliffe. Moreover, if Buckingham's brother was allowed to make an advantageous marriage to the widowed Cicely, marchioness of Dorset, the King's extreme interest in his financial profit from the transaction is

- suggested by his retention in his own hands of Stafford's obligation (BL, Add. Ms. 59899, f. 178v).
58. *CPR, 1494-1509*, pp. 658, 661; *CPR, 1476-85*, pp. 553-580.
 59. *CPR, 1485-94*, pp. 481-508; *CPR, 1494-1509*, pp. 629-69.
 60. PRO, KB9/368-450, *passim*.
 61. Surrey, Daubeney and, less emphatically, Broke, Ormond, Shrewsbury and Herbert. Three of these were peers of Henry's own creation, and perhaps only Daubeney and Surrey were really significant.
 62. PRO, E101/640; BL Lansd. Ms. 127, f. 32v; *CCR, 1500-9*, 686.
 63. BL Lansd. Ms. 127, f. 34.
 64. PRO, C142/25/22, 128, 138; PROB 11/16/16; '*Dudley's petition*', pp. 88, 93-4.
 65. Lander, 'Bonds, coercion and fear', pp. 267-300. The defective calendaring of the early Close Rolls, and the fact that not all bonds were enrolled, has decreased the count for the first part of the reign, although it remains true that the years after 1497 show an escalation in the number of recognizances taken. The penal use of bonds by Edward IV has been discussed by P.M. Barnes, 'The Chancery corpus cum causa file, 10-11 Edward IV', *Medieval Legal Records*, ed. R.F. Hunnisett and J.B. Post (HMSO, 1978), pp. 438-40.
 66. WAM 16020; *HMC, Rutland MSS.*, i, p. 19.
 67. *Cal. Inq. P.M., Henry VII*, iii, pp. 10-107. Subsequent legal proceedings in Chancery, King's Bench and the Exchequer yield evidence which would increase this count; eg., PRO, C43/1/31, 34.
 68. PRO, CP40/985, Trin. 23 Hen. VII, rot. 345d (Oxford); PRO, SP1/1, f. 72; DL5/4, f. 89; BL Lansd. Ms. 127, f. 44d, 48 (Mabel, lady Dacre).
 69. *The Anglica Historia of Polydore Vergil, 1485-1537*, ed. D. Hay (Camden Soc., 3rd ser., lxxiv, 1954), pp. 127-9; *CSP, Spain*, i, pp. 177-8.
 70. PRO, KB9/961/52.
 71. Below, p. 133; this remains true even if the nobleman still had an important part to play at an earlier stage in the chain of patronage.
 72. Hicks, *loc. cit.*, p. 93; Exeter R.O. Court Rolls 540; PRO, C146/3273; *Cal. Inq. P.M., Henry VII*, ii, 434; WAM 16066; PRO, SC11/828: this list is clearly not exhaustive. Other lords, including Bedford and the countess of Warwick, made grants of office: PRO, KB9/377/17; SC6/Hen. VII/1373.
 73. PRO, E326/8898; CP40/979, Hil. 22 Hen. VII, *Rot. Chart.* 3.
 74. Eg., Bray's landed estate, almost all acquired after 1485, suggests the extent to which that advantage could be carried. It was sufficient to endow two peerages in the reign of Henry VIII, and Dugdale estimated a value of over 1,000 marks for the purchases of 1497-1503 alone: W. Dugdale, *The Baronage of England* (2 vols., London, 1675-6), vol. ii, p. 303. The familiar case of the Plumpton, involving charges of maintenance, corruption and a feigned inquisition was extreme rather than unique, and forms of pressure applied beyond mere investment might include intercession with the King for a pardon, exploitation of unquiet titles or financial difficulties arising from recognizances due to the King.
 75. This may be traced both through wills and through feet of fines, although a number of such transactions conceal a use in favour of Henry VII himself: eg. the related enfeoffments on the lands of the heirs of Thomas Green, PRO, CP40/982, Mich. 23 Hen. VII, rot. 301-301d., 309-309d., 614-8, 706; BL Lansd. Ms. 127, ff. 45d., 50.

76. PRO, PROB 11/9/13; PRO, PROB 11/12/10. See also pp. 131-2.
77. The comments which follow are based primarily on a study, using patent roll, pipe roll and indictment evidence, of a group of counties falling alphabetically between Salop and Sussex. Since this essay was written, several important studies have appeared, including those of Dr. Baker and Dr. Virgoe already cited, and M.L. Zell, 'Early Tudor JPs at work', *Archaeologia Cantiana*, xciii (1977), 125-43. Dr. Zell's detailed study of Kent JPs parallels much that could be said about the present sample.
78. An average of 30-40% of the JPs were, or became, MPs either within the county studied or an adjacent county; likewise at least 50% of the sheriffs were, or became, JPs and the proportion rises to 92% in the joint shrievalty of Surrey and Sussex.
79. Although there are considerable variations between counties, perhaps only 50-60% of the 'gentry' members of the commission were active at sessions, although it was on them, rather than on the bishops, lords and lawyers, that the main burden lay.
80. In four of the counties studied the commission increased between 60% and 100% in size, though in Salop and Southampton the rise is less marked.
81. On the later sixteenth century, A. Hassell-Smith, *County and Court: Government and Politics in Norfolk, 1558-1603* (Oxford, 1974). This rich evidence does not exist for Henry VII's reign, and Virgoe's study would suggest rather the multiplicity of connections which might be involved; Virgoe, 'The recovery of the Howards', pp. 10-14.
82. PRO, C255/8/5/94; C244/146/2.
83. *CFR*, 1485-1509, 95-6; 97-8; cf. *CFR*, 1471-85, 861-2; PRO, C82/14 shows that, not surprisingly, the September commission was not a pricked list in the normal sense.
84. PRO, C82/180. These were four counties most affected Devon, Somerset, Dorset, Berkshire (and thus Oxfordshire), and also Norfolk and Suffolk. A change seems to have been contemplated in Surrey and Sussex, but in the event Richard Sackville was confirmed as sheriff. The appointment of Eggecombe to Devon was ordered by the King himself before he left Exeter: PRO, C82/331, 2 November (13) Hen. VII.
85. PRO, C82/56; C82/329; C82/330; C82/332. Again, though the theory must often have failed in practice, the mere suspicion of retainder with a lord other than the King could bar appointment: PRO, C82/332, 16 November (16) Hen. VII.
86. In 1506 prosecution was made the responsibility of the under-treasurer, John Cutte, and Edmund Dudley, *vice* Bray's executors. The terms of their commission emphasize the likelihood of forfeiture, past and future, and allowed a fixed rate of composition; PRO, E404/85 16 April 21 Hen. VII.
87. Bayne, *Select Cases*, pp. cxxviii — ix lists those cases brought by Henry Toft in *qui tam* actions: these ended in the inevitable pardon and composition with the Crown for the King's interest, PRO E36/214, p. 461. For other royal actions against sheriffs, see PRO, SC1/51/179; E101/415/3, f. 291 (John Hussey); PRO C142/19/4; KB9/440/1; KB29/135, Pasch. 21 Hen. VII, rot. 28-9; DL5/4, ff. 95v, 98, 111v, 113v, (several Northumberland sheriffs); PRO CP40/479, Mich. 22 Hen. VII, rot. 102-3d; CP40/982, Mich. 23 Hen. VII, rot.

- 405; CP40/983, Hil. 23 Hen. VII, rot. 495; CP40/985, Trin. 23 Hen. VII, rot. 349; DL5/4, ff. 107v, 151v-152v.
88. Eg. PRO, E36/130, a county-wise list of household officers, *temp.* Henry VIII.
89. D.A.L. Morgan, 'The King's affinity in the polity of Yorkist England', *THRS*, 5th Ser., xxiii (1973), 1-25.
90. *Rerum Anglicarum Scriptorem Veterum*, vol. i, ed. W. Fulman (Oxford, 1684), p. 652.
91. Published lists obscure this point, though it is symptomatic of Henry's attitude to rule within society at large. There was thus, for example, no treasurer 1488-c.1502 and no controller 1505-7, nor for the years following the death of Eggecombe in 1489 and Tocotes in 1492.
92. Much of what follows on both chamber and council is based on detailed research on which it is hoped to enlarge at a later date. Footnotes have therefore been here curtailed, pending a fuller discussion. BL Add. Ms. 59899, f. 213; PRO, E101/415/3, f. 296.
93. PRO, E101/415/3, f. 299; annotated with receipt of 200 marks and an obligation for £200, BL Add. Ms. 21480, f. 185.
94. PRO, E101/414/6, f. 128. The interlineation is in Henry's own hand. For the election and presentation of the speaker, *ibid.*, f. 232; *Rot. Parl.* vi, p. 510.
95. BL Add. Ms. 59899, f. 182; BL Lands. Ms. 127, f. 11v; PRO, E159/283, *Recorda*, Trin., rot. 5-6; E36/214, pp. 441, 475, 635; E101/413/2, p. 63; C82/245, 28 June; Kent A.O., U455/T138. The record of the prosecution for customs offences suggests an offence against the letter, rather than the spirit of the law, for the duties were paid, though not in Bray's name. Cf. also Dudley's comment on Henry's treatment of the executors, or the more general remarks of Vergil: 'Dudley's petition', p. 88, 94; *Anglica Historia*, p. 129.
96. *CSP, Spain*, i, pp. 168, 178; *CSP, Milan*, i, pp. 299, 335, 351; *CSP, Venice*, i, p. 285; Pollard, *The Reign of Henry VII*, i, 150, 152-3.
97. *CSP, Spain*, i, 178.
98. PRO, C82/305/13 September 23 Hen. VII; likewise PRO, DL 12/1/2/6
99. Eg. *Letters and Papers Illustrative of the Reign of Richard III and Henry VII*, ed. J. Gairdner (2 vols., Rolls Ser., 1861-3), vol. ii, pp. 75-84: the same offences (with others) were still being presented in 1509, PRO, KB9/953/229-61; PRO, E101/415/3, f. 297v; PRO, KB9/427/80; KB9/430/49; WAM 16057, 16020; BL Add. Ms. 59899, f. 153v; likewise, the watching brief given Darcy after riots at Knaresborough, PRO, KB9/445/29; SC1/58/53. The sheriff's oath, too, enjoined that he, if he could not himself maintain the King's rights, should 'certifye the Kyng or summe of his counsell therof, such as ye hold for certayn will say it unto Kyng' *Registrum Thome Myllyng, Episcopi Herefordensis, a.d. 1474-92*, ed. A.T. Bannister (Canterbury and York Society, xxvi, 1921), p. 133.
100. A. Cameron, 'A Nottinghamshire quarrel in the reign of Henry VII', *Bull. Inst. Hist. R.*, xlv (1972), 35-7; cf. 'Dudley's petition', p. 93, n.25; above, n.87; PRO, KB9/445/1-11; KB9/435/45; KB9/427/83-4; E101/415/3, f. 297v.; E36/214, p. 475; DL5/4, f. 157v; C82/294, 28 December. Even in 1511 action before the council and imprisonment in the Tower could follow indictment in common law: PRO, KB9/456/5; Huntingdon Library, Ellesmere Ms. 2652, f. 8v. I am indebted to Dr. J.A. Guy for a copy of this latter ms.

101. For the Yorkist council, J.R. Lander, 'Council, administration and councillors' (1959), reprinted *Crown and Nobility*, pp. 309-20. For Henry VII, the author's own research has been used.
102. Although a detailed chronological breakdown makes this still more apparent, for a thoughtful development of the general thesis, E.W. Ives, 'The common lawyers in pre-Reformation England', *THRS*, 5th. Ser., xviii (1968), pp. 154-6.
103. Bayne, *Select Cases*, pp. 30-44; cf. Guy, *The Cardinal's Court*, p. 12.
104. Bayne, *Select Cases*, pp. 53-8.
105. *Ibid.*, pp. 6-7; cf. also the thematic arrangement of Ellesmere Ms. 2652.
106. The standard account, now in need of a revision which it is hoped eventually to provide, is the seminal article of R. Somerville, 'Henry VII's council learned in the law', *EHR*, liv (1939), 427-42.
107. Bayne, *Select Cases*, pp. cxxxix, clv-viii; Guy, *The Cardinal's Court*, pp. 15-18, 53-57.
108. Guy, *The Cardinal's Court*, pp. 16-17.
109. Ellesmere Ms. 2652, f. lv; confirmed not only by the evidence of the *corpus cum causa* files, but also by Henry VII himself: PRO, C244/138-157, *passim*; DL42/21, f. 21.
110. For example, PRO, CP40/983, Hil. 23 Hen. VII, rot. 348d, 353, 353d; E101/414/6, f. 232v, 226v; BL Add. Ms. 59899, f. 153v. More generally, in 1505 a large number of obligations, including many for appearance or good abearing, were delivered to Edmund Dudley to sue for the King's profit: though not all would in practice have been forfeit, whilst the mercers sued as a body for their discharge. PRO, E101/517/11.
111. PRO, CP40/983, Hil. 23 Hen. VII, rot. 406 (obligation of 1486); CP40/985, Trin. 23 Hen. VII, rot. 374 (obligation of 1488); cf. SP1/1, ff. 71v-72; 'Dudley's petition', pp. 90, 98.
112. Bayne, *Select Cases*, p. 19.
113. Ellesmere Ms. 2652, f. 6v; cf. PRO, C244/139/93.
114. PRO, C244/146/26. Instances might be multiplied: see also above, n. 100.
115. If the most obvious instance lies in the proclamation of rebellion in a final attempt to secure appearance, neither the council of Richard III nor that of Henry VII was, for example, able permanently to enjoin good abearing on Thomas Cornwall, Richard Corbet and Richard Croft: Bayne, *Select Cases*, pp. cxxiii-iv; 9, 14, 19, 50-1, 78-87; PRO, C244/136/111; C244/139/101, 156, 174; C244/140/80; C244/143/25; C244/147/135; C255/8/5/7, 8; E404/82/ 3 Dec. 12 Hen. VII; CP40/983, Hil. 23 Hen. VII, rot. 364d.
116. The detailed particulars of the hanaper accounts, which do not, however, survive for the last two and a half years of the reign, show a rise in the number of such pardons from an average of 20-30 p.a. in the 1490s to 50-100 p.a. in the years before 1507. The artificially inflated account for 18-19 Hen. VII has been discounted. PRO, E101/217/14, 15; E101/218/3-6, 8, 10, 12; E101/219/2, 4, 6-8.
117. Francis Bacon, *The History of the Reign of Henry VII*, ed. R. Lockyer (Folio Soc., London. 1971), p. 233.